

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 6, 2011
7:06 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:06 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Brindle made a motion, seconded by Member Bennett, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Bennett made a motion, seconded by Member Swenson, approving the consent agenda as revised to remove Items IV.C., Southwest Hennepin Drug Task Force Joint Powers Agreement; IV.D., Resolution No. 2011-120 – Year 2012 Park and Recreation Fees and Charges; IV.L., Resolution No. 2011-125 Revised Cooperative Agreement with Minneapolis for bicycle parking; and, IV.N, Traffic Safety Committee Report of November 2, 2011, as follows:

IV.A. Approve regular and work session meeting minutes of November 15, 2011, and work session meeting minutes of November 29, 2011

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated November 17, 2011, and consisting of 32 pages; General Fund \$137,339.04; Communications Fund \$12,982.94; Working Capital Fund \$762,991.71; Art Center Fund \$1,709.21; Golf Dome Fund \$1,699.97; Aquatic Center Fund \$45.96; Golf Course Fund \$26,142.06; Ice Arena Fund \$9,532.29; Edinborough/Centennial Lakes Fund \$31,814.39; Liquor Fund \$203,284.21; Utility Fund \$365,392.66; Storm Sewer Fund \$78,281.71; Recycling Fund \$38,820.60; Payroll Fund \$3,010.40; TOTAL \$1,673,047.15 and for approval of payment of claims dated November 23, 2011, and consisting of 29 pages; General Fund \$405,912.84; Communications Fund \$8,083.75; PIR Debt Service Fund \$828.75; Working Capital Fund \$314,982.72; Equipment Replacement Fund \$220,647.00; Construction Fund \$399,584.10; Art Center Fund \$2,346.20; Golf Dome Fund \$1,803.51; Golf Course Fund \$5,593.24; Ice Arena Fund \$12,742.66; Edinborough/Centennial Lakes Fund \$9,771.94; Liquor Fund \$218,262.49; Utility Fund \$214,808.85; Storm Sewer Fund \$165,955.69; TOTAL \$1,981,323.74; and for approval of payment of claims dated December 1, 2011, and consisting of 23 pages; General Fund \$44,369.85; Communications Fund \$795.62; Police Special Revenue \$171.18; Working Capital Fund \$891,373.68; Art Center Fund \$14,713.29; Golf Dome Fund \$344.65; Aquatic Center Fund \$1,264.40; Golf Course Fund \$3,756.13; Ice Arena Fund \$8,097.45; Edinborough/Centennial Lakes Fund \$15,647.73; Liquor Fund \$122,482.02; Utility Fund \$78,146.06; Storm Sewer Fund \$82,727.61; Recycling Fund \$32.72; PSTF Agency Fund \$19,372.40; Payroll Fund \$5,101.39; TOTAL \$1,288,396.18.

~~IV.C. Southwest Hennepin Drug Task Force Joint Powers Agreement~~

~~IV.D. Resolution No. 2011-120 – Year 2012 Park and Recreation Fees and Charges~~

IV.E. Adopt Resolution No. 2011-121 – Year 2012 Ambulance Fees

IV.F. Adopt Resolution No. 2011-122 – Year 2012 Miscellaneous Fees

IV.G. Renew Community Health Services Agreement with Bloomington

IV.H. Renew Public Health Emergency Preparedness Agreement with Bloomington

IV.I. Approve reappointments to various City Boards, Committees, and Commissions

IV.J. Adopt Resolution No. 2011-124 Approving Senior Citizen Special Assessment Deferral

IV.K. Approve Termination Agreement between the City of Edina and Gabbert & Gabbert Company to terminate Proof of Parking Agreement at the Galleria

~~IV.L. Resolution No. 2011-125 Revised Cooperative Agreement with Minneapolis for bicycle parking~~

IV.M. Adopt Resolution No. 2011-126 Agreement between Minnesota Department of Transportation and City of Edina No. 00282

~~IV.N. Traffic Safety Committee Report of November 2, 2011~~

IV.O. Adopt Resolution No. 2011-123 setting January 3, 2012, Public Hearing for Neighborhood Street Reconstruction:

1. BA-386 Viking Hills Neighborhood Street Reconstruction
2. BA-387 Valley Estates Neighborhood Street Reconstruction

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.C. SOUTHWEST HENNEPIN DRUG TASK FORCE JOINT POWERS AGREEMENT APPROVED

Police Chief Long advised the one-time \$10,000 payment had been made as part of the original agreement.

Member Brindle made a motion, seconded by Member Swenson, approving the Southwest Hennepin Drug Task Force Joint Powers Agreement.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.D. RESOLUTION NO. 2011-120 ADOPTED – YEAR 2012 PARK AND RECREATION FEES AND CHARGES

Park and Recreation Director Keprios advised the working group of the Park Board was mid-way through its study of fees and charges. He said the participant fee increase from \$9 to \$11 would still be significantly short of covering field maintenance costs. **Member Sprague introduced and moved adoption of Resolution No. 2011-120, setting 2012 park and recreation fees, correcting the spelling of “patron” on page 3.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.L. RESOLUTION NO. 2011-125 ADOPTED – REVISED COOPERATIVE AGREEMENT WITH MINNEAPOLIS FOR BICYCLE PARKING

Public Works Director/City Engineer Houle explained staff had consulted with the Bike Edina Task Force on the location of the 30 bicycle racks that would be received and installed the spring of 2012. City staff would be responsible for monitoring the locations and reporting should any be moved or removed. It was suggested a bicycle rack be installed at the library. **Member Brindle introduced and moved adoption of Resolution No. 2011-125, approving revised Cooperative Agreement between the City of Minneapolis and the City of Edina regarding Bicycle Parking Project.** Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.N. TRAFFIC SAFETY COMMITTEE REPORT OF NOVEMBER 2, 2011 RECEIVED

Mr. Houle advised the mapping of traffic complaints was on staff's to-do list for the winter season and would be completed by spring. **Member Sprague moved and Member Swenson seconded, receiving the November 2, 2011, Traffic Safety Committee Report.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

None

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VI.A. 2012 OPERATING BUDGET PRESENTED

Manager Neal described the budget process, priorities, and goal to keep increases below the consumer price index of 3.5%. He presented the 2012 budget. In 2011, City tax for median residential property was \$1,039 and in 2012 it would be \$1,067, a \$28 dollar increase or 2.7%. The City tax for median commercial property of \$1.5 million would be increased 8.3%. The Council acknowledged the Citizen League process brought great value to the community to engage residents beyond the public hearing process.

Mayor Hovland opened the public hearing at 7:28 p.m.

Public Testimony

No one appeared to comment.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mayor Hovland stated the 2012 budget would be considered at the December 20, 2011, Council meeting.

VI.B. 2012 LIQUOR LICENSE FEES APPROVED

City Clerk Mangen explained State law required that a public hearing be held after a 30-day notice to license holders of the City's intention to raise liquor license fees. To date, no comment had been received from licensees. Ms. Mangen indicated staff was recommending a slight increase in On-Sale Intoxicating License and Beer License fees to cover the City's administrative and enforcement costs.

Mayor Hovland opened the public hearing at 7:30 p.m.

Public Testimony

No one appeared to comment.

Member Brindle made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson made a motion, seconded by Member Brindle, to adopt 2012 liquor license fees.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.C. RESOLUTION NO. 2011-127 ADOPTED – PRELIMINARY REZONING TO PUD & PRELIMINARY DEVELOPMENT PLAN, 6996 FRANCE AVENUE FOR FE 70, LLC

Planner Presentation

Planning Director Teague presented the request of FE 70, LLC, for preliminary approval of a rezoning from PCD-4, Planned Commercial District, to PUD, Planned Unit Development District and Preliminary Development Plan. The proponent was proposing to tear down the existing gas station at 6996 France Avenue and rebuild an 8,260 square-foot office/retail building that included a 3,000 square-foot vitamin store and a 5,260 square-foot financial office. He noted the added mezzanine for the financial office had increased the square footage but not changed the footprint of the building. Mr. Teague presented the recommendation of the Planning Commission, from its November 9, 2011, meeting and unanimous recommendation for approval. He explained that should the entire building be utilized as retail, the mezzanine would have to be turned into storage space and not utilized as retail space. It was also concluded that parking was adequate for the intended use but would not support certain other uses. The PUD rezoning would assure this was the building constructed on the site and if approved, the ordinance

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amendment would be finalized with the second phase of the project. The approved plans and parking standards would be incorporated into the zoning ordinance with principal uses listed. Mr. Teague indicated the staff and the Planning Commission recommendation was subject to the findings and conditions as listed in the staff report.

Proponent Presentation

Dean Dovolis, DJR Architecture representing the developer, stated this building would create a good transition between the commercial and residential uses and anchor the corner with retail and office. He hoped it was the first step to transition the area. Mr. Dovolis stated he thought the PUD process worked well.

The Council asked about the traffic movement on 70th Street, as referenced in the traffic report conclusions and recommendations. Chuck Rickart, WSB & Associates, described the left turning movement from France Avenue to 70th Street that had the most delay during the PM peak hour. He agreed that certain uses needed to be prohibited due to peak parking need. It was noted the available parking was felt to be adequate for nondrive-thru uses. The Council asked whether a drive-thru use should be prohibited in the PUD. Mr. Teague answered in the affirmative.

Mayor Hovland opened the public hearing at 7:48 p.m.

Public Testimony

No one appeared to comment.

Member Brindle made a motion, seconded by Member Swenson, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Brindle introduced and moved adoption of Resolution No. 2011-127, approving a Preliminary Rezoning and Preliminary Development Plan for FE 70 LLC at 6996 France Avenue, as revised to list drive-thru uses as prohibited and restrict the mezzanine level from retail use, and based on the following findings:

1. The proposed land uses are consistent with the Comprehensive Plan.
2. The site layout would be an improvement over a site layout required by standard zoning; the building is brought up to the street, provides front door entries toward the street and includes sidewalks to encourage a more pedestrian friendly environment along the street.
3. The design of the building is of a high quality stone with large windows. The building is consistent with the small scale buildings on this block.
4. The development would incorporate improved landscaping and green space, a decrease in impervious coverage and an infiltration area.
5. The contaminated soils on the site would be cleaned up.
6. Traffic would be improved in the area with a right-in only access on France Avenue, the elimination of the curb cut nearest the intersection and narrowing the curb cut farther to the west.

And subject to the following conditions:

1. The final development plans must be consistent with the preliminary development plans dated September 13, 2011, and the materials board as presented to the Planning Commission and City Council.
2. The final landscape plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
3. Compliance with all of the conditions outlined in the City Engineer's memo dated November 3, 2011.

4. Final rezoning is subject to a Zoning Ordinance amendment creating the PUD, Planned Unit Development, for this site.

Member Swenson seconded the motion.

It was noted this project would result in the loss of the only full service station in Edina; however, it was a viable business and not a forced sale. The Council discussed the application and whether a change in use should require reconsideration by the Planning Commission and City Council even if the new use was permitted. Attorney Knutson recommended listing the two uses requested (vitamin store of 3,000 square feet and financial office of 5,260 square feet) as permitted uses and all other uses as conditional uses.

The Council discussed whether to permit all office uses without a square footage restriction since available parking would be adequate. It was indicated that retail use, up to a certain square footage, could be a permitted use conditioned on the mezzanine being restricted to storage use. Should a new use result in a change from either retail or office, or a combination, then it would be a conditional use and require reconsideration. **Member Bennett made a motion, seconded by Member Sprague, amending the motion to revise Resolution No. 2011-127 to include three conditions: 5. Drive-through uses shall be prohibited. 6. Permitted uses are the two uses requested (vitamin store of 3,000 square feet and financial services office of 5,260 square feet); other retail uses up to 3,000 square feet; other retail uses over 3,000 square feet conditioned on the mezzanine used for storage only; and offices uses of up to 8,260 square feet. 7. All other uses are conditional uses.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion to amend carried.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion as amended carried.

VII. COMMUNITY COMMENT

Paul Smith, 4808 Bywood West, stated his concern with the number of aggressive coyotes in Edina and reported a coyote had attacked his small dog. Police Chief Long indicated Edina was leading the way with coyote management and would be hosting a training session for policy makers and animal control officers throughout the metro area. Chief Long stated the Police Department would work with residents and the ultimate goal was to educate the community on the benefit of hazing coyotes.

Wayne Carlson, 523 Coventry Lane, asked when his variance request for pets would be considered. Mr. Neal indicated the Council had directed staff to reassess the situation and determine if new information had been provided to change staff's recommendation on Mr. Carlson's request. A letter had been mailed today that provided staff's recommendation to not support reconsideration.

Sheila Rzepecki, 6617 Normandale Road, expressed her concern about the speed of traffic on 66th Street and indicated residents would like reduced speeds of 25 mph on the frontage road. She also commented that activity resulting from renting Hughes Pavilion to over 2,000 people in May was driving people away from the park.

Emily Sever, 6713 Normandale Road, supported the statements of Ms. Rzepecki and indicated that to provide safety there was a need for crosswalks, sidewalks and flashing lights on 66th Street.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2011-119 ADOPTED – ACCEPTING VARIOUS DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2011-119 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

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Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VIII.B. EDINA ART CENTER REQUEST FOR PROPOSAL DISCUSSED

Mr. Keprios presented the draft Request for Proposal (RFP) to study the Edina Art Center fees and operations, building assets, whether more cost-effective location alternatives exist, organizational structure and whether all or part of the current functions should continue. He indicated the consultant that had previously studied the feasibility of expanding the existing structure was willing to update its numbers on the cost to bring the facility up to code.

The Council discussed the RFP and indicated it would be an advantage to know how many suburban communities had art centers and the strengths of those centers. The Council requested that the scope be revised to include a comparison locally of other art centers, their organizational structure, the markets served, mission, website opportunities, the building's value and whether or not it filled its needed purpose in terms of accessibility, visibility, and capacity. The Council would also like to know how other communities support the arts to provide context. The Council indicated it would be helpful for the study to include an analysis of the return on investment and cost benefit of a particular improvement.

The Council suggested the previous facility analysis materials be made available to the consultant as a source document for incorporation in their independent analysis and evaluation. With regard to the offer by ATS&R Consulting to provide a presentation, the Council indicated its preference to receive that information in written form for analysis by staff and the Council after the initial RFP was received.

The Council thanked the Art Center Board for its thoughtful and thorough recommendation. Mr. Keprios indicated the RFP would be redrafted and submitted to Manager Neal.

VIII.C. EDINA ART CENTER BOARD WORKING GROUP APPROVED

Thomas Raeuchle, 4634 Bruce Avenue, Art Center Board Member, presented the recommendation of the Edina Art Center Board that the City Council recognize the need for and support the establishment of a volunteer Working Group to develop a vision and strategic plan for art and culture in Edina. Mr. Raeuchle explained the study would start with an inventory, but the Art Center Board had no preconceived notion of what the outcome would "look like." He noted it could be as simple as creating a brochure or may be more involved with the creation of an Arts Commission.

The Council discussed the recommendation and indicated its support to create a Working Group, which would lead to great outcomes and enhance art and culture in Edina. The Council commented on the importance of not "tying the hands" of organizations that had existed for many years. It was noted that the creation of an Art Culture Board, if considered, could include subgroups of which the Art Center Board may be one. The Council acknowledged that the process would be helpful in planning and allocating community resources and in collaboration with the Edina School District. The Council encouraged the Art Center Board to assure the Working Group was more inclusive than exclusive so all organizations had a voice. **Member Swenson made a motion, seconded by Member Sprague, approving the establishment of a volunteer Working Group to develop a vision and strategic plan for art and culture in Edina.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

Bob Kojetin, 32-year employee with the Park Department, provided the Council with a letter signed by former Mayor James Van Valkenburg, Kay Bach and himself urging care in the study of the Edina Art Center and a draft copy of his memoirs that included information on the creation of the Art Center as well as information from Jim Van Valkenburg.

VIII.D. ORDINANCE NO. 2011-17 ADOPTED – AMENDING SECTION 185, SCHEDULE A, INCREASING UTILITY FEES

Finance Director Wallin stated the ordinance received first reading on November 15, 2011. He reviewed several corrections that would be made per request of the Council. The Council discussed the revised ordinance language. **Member Swenson made a motion, seconded by Member Sprague, to grant Second Reading adopting Ordinance No. 2011-17, amending Section 185, Schedule A, increasing utility fees.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.E. ORDINANCE NO. 2011-18 GRANTED FIRST READING – AMENDING SECTION 185, SCHEDULE A, SETTING FEES AND CHARGES FOR 2012

Mr. Wallin presented the proposed schedule of fees and charges for 2012, noting those recommended to be changed from 2011 to 2012. The Council indicated most of the fee increases were modest and would assure the City's costs were covered to deliver the services.

The Council inquired about the late charge for a dog license, noting the license fee was relatively minor and the purpose of licensing was to assure rabies vaccinations and reunite dogs with owners through enforcement. The question was raised whether the "penalty" with a late license was the diminished value received with the shorter license term. Chief Long explained the Police Department processes a significant number of dog licenses and would prefer to do them at the same time. The penalty provided incentive to assure timely licensing and covered administrative costs to process the late licenses. It was noted this issue could be discussed during next year's budgeting process.

The Council asked staff to assure, prior to Second Reading, that the correct statute was referenced relating to the permit for dangerous dogs. A typographical error was noted in Section 745, the spelling of the word "fee." **Member Brindle made a motion, seconded by Member Sprague, to grant First Reading to Ordinance No. 2011-18, amending Section 185, Schedule A, setting fees and charges for 2012.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.F. REVISED VALLEY VIEW ROAD AND SALLY LANE VEGETATION REMOVAL RECOMMENDATION APPROVED

Mr. Houle presented staff's recommendation to revise the City Council motion from full removal of vegetation within the public right-of-way at the intersection of Valley View Road and Sally Lane to partial removal. He noted the City Council at its November 1, 2011, meeting had directed staff and the City Attorney to review the information submitted by Douglas and Jill Benner of 7025 Sally Lane requesting the City hold off on removing the vegetation. Mr. Houle explained that after review of both analyses, he recommended starting with Benner's recommendation to trim vegetation as outlined by RLK up to a height of six feet. He would then determine whether additional trimming was needed to assure adequate sight lines.

The Council discussed the revised recommendation and whether the trees should be trimmed to a higher height to assure adequate sight lines for larger-sized vehicles and seasonal elements such as snow weight that lowered branches. The Code was reviewed relating to prohibition of plantings on boulevards. It was noted that certain types of tree species create impaired visibility, were discouraged, and required written permission in order to plant them. Edina Code required trees to be trimmed to a height of eight feet above a sidewalk and 16 feet above the traveled portion of the roadway to assure safe use of the public roadway.

The Council also discussed the need for staff to review vegetation at 7416 Sally Lane to determine if it needed to be trimmed to create longer sight lines. Attorney Knutson advised the Council relating to

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common law limitations and indicated staff's recommendation was to take one step at a time to eliminate an obstruction.

Mr. Houle indicated he would support trimming to a height of either six or eight feet and staff would work with the homeowner to assure the trees were correctly trimmed. The arborvitae would also be looked at because many residents had signed a petition indicating they created a danger with sight distances.

The Council acknowledged that staff's recommendation created an elegant solution to accomplish safety measures while allowing the homeowners to retain the bulk of the aesthetic and screening value of the trees and save the homeowners a tremendous amount of money. The Council agreed with the need to find this type of solution whenever it could and applauded staff on its recommendation that accomplished the goals of the City. **Member Bennett made a motion, seconded by Member Swenson, revising the October 4, 2011, City Council motion from full removal of vegetation from within the public right-of-way at the intersection of Valley View Road and Sally Lane to removal of vegetation up to a height of eight feet.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VIII.G. ORDINANCE NO. 2011-11 ADOPTED – CONCERNING OFF LEASH DOG PARKS

Police Chief Long explained that in 2006 the City Council approved an off-leash dog park at Van Valkenburg Park; however, the City Code was never amended to acknowledge the park or the fees assessed to users of this specialized area. This fee would cover the City's costs and maintenance. **Member Sprague made a motion, seconded by Member Brindle, to grant First Reading to Ordinance No. 2011-11, amending the Edina City Code concerning off leash dog parks.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

Member Brindle made a motion, seconded by Member Sprague to waive Second Reading adopting Ordinance No. 2011-11, amending the Edina City Code concerning off leash dog parks.

Rollcall

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VIII.H. ORDINANCE NO. 2011-19 ADOPTED – AMENDING SUBSECTION 1400.17 CONCERNING CONTROL OF TRAFFIC AND VEHICLES

Police Chief Long explained Minnesota law only defines a limited number of individuals who may direct traffic, and the proposed ordinance would require training and approval from the Chief of Police for anyone who directs traffic on an Edina roadway. He answered questions of the Council and explained that the individual could override a traffic sign, but could not write a citation. Training would take place at the Police Department or training center and include management of pedestrian traffic and specific locations. Chief Long indicated a fee would not be assessed because it was a service to the community and a benefit to the Police Department in not having to use its own resources. **Member Swenson made a motion, seconded by Member Sprague, to grant First and waive Second Reading adopting Ordinance No. 2011-19, amending the Edina City Code concerning control of traffic and vehicles.**

Rollcall

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VIII.I. ORDINANCE NO. 2011-20 GRANTED FIRST READING – REGARDING REAL ESTATE SIGNS IN THE R-1 AND R-2 ZONING DISTRICTS

Mr. Teague presented the ordinance language and described staff's research of neighboring communities relating to the size of real estate signs. The Planning Commission recommended, on a vote of three ayes and two nays, to recommend an amendment the ordinance allowing an increase to the size of real estate

signs in the R-1 and R-2 District from six square feet to ten square feet. Mr. Teague indicated the Commissioners settled on ten square-feet after measuring current real estate signs being used in Edina and surveying allowed square footage of neighboring cities.

The Council discussed the ordinance language and noted that Edina was within 44% of communities that allow signage of six square feet. Of the communities surveyed 22% allowed signs to be eight square feet. Moving to ten square feet would put Edina in the minority, not the mid-range or average. Mr. Teague advised the complaint was received from an area with several homes for sale where signs exceeded six square feet due to the addition of taglines.

The Council debated the proposed amendment.

Member Swenson stated her willingness to consider up to eight square feet or 1,200 square inches to allow for the standard sign plus several additions for the realtor's name or open house sign. However, she felt real estate signage did not add to the aesthetics of the community and that sign proliferation was an issue. Member Swenson expressed concern that other individuals may use the same argument of needing larger signs to attract customers. She stated she preferred the signage size to be at the minimum rather than the maximum.

Member Sprague stated his position to allow up to ten square feet, noting that every real estate sign in Edina was nonconforming because industry standards had changed to include signage for realtor's name, contact information, descriptive language, and website or contact information. He did not believe that an additional two square feet of signage impacted the City's aesthetics, as was evidenced by only one complaint being received. Member Sprague noted the Code allowed a height up to ten feet, but he would support a shorter height. He cautioned the Council against considering an ordinance that would make all real estate signage in Edina nonconforming or placing the City's residents who were selling their homes at a disadvantage. He supported an ordinance that reflected reality and recognized industry standards. Member Sprague stated City staff was being proactive in recommending an ordinance amendment after realizing the ordinance did not match industry standards across most communities.

Member Bennett stated another option was to innovate so that rather than a large sign with hangers, realtors design a smaller uniform sign or use a set of hangers containing all of the information in a more attractive package. She believed it was possible to provide the information in a more compact way. Member Bennett noted that of the 18 cities surveyed, eight cities had a limit of six square feet. The cities that allowed eight square feet had similar lot and street sizes to Edina while the cities that allow larger signs had larger lots, wider streets, and greater front yard setbacks so the signs had less impact. Member Bennett felt allowing ten square feet would convert some neighborhoods in a "forest of posts and lawn signs" and not create balance between the realtors/home sellers with the rights of residents not offering their home for sale. She noted a sign of ten square feet was roughly the size of a small tree.

Member Brindle acknowledged the recommended amendment would result in allowing signage that was already being used, meeting industry standards and market demand. She expressed reluctance to consider a six or eight square-foot sign restriction if it forced the realtor to post several signs on the property instead of a sign with riders on one post.

Mayor Hovland noted Edina Realty does the most business in the City and had a standard sign of 1,200 square inches. He acknowledged that industry standards had changed over time.

Member Bennett cautioned against identifying a need because people were doing it. She noted the question was whether the current regulation impaired real estate operations in Edina and did not think that was the case. Member Bennett did not support a change of almost 100% greater in size than what

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was currently allowed or a change beyond what 66% of surveyed cities allowed since there was no indication there was a problem with real estate sales in Edina under the current regulation.

Member Sprague noted there was currently no impairment because the City was not regulating its six-foot restriction. However, if enforced, the current ordinance could result in impairment by not allowing an industry to market in the way consumers desired. Member Sprague preferred establishing a sign threshold that included a small buffer and was enforceable. He believed ten square feet was reasonable and encapsulated industry standards and reality.

Member Swenson offered a compromise to allow signage up to 1,344 square inches, 9.32 feet. She indicated many salient points had been raised, and she would not want to put the City's residents who were selling their home at a disadvantage. She indicated, if approved, she would not support future consideration of a larger sign.

Member Sprague made a motion, seconded by Member Brindle, to grant First Reading to Ordinance No. 2011-20, concerning real estate signs in the R-1 and R-2 zoning districts, setting the maximum size of ten square feet of signage.

Mayor Hovland expressed concern with the high level of violations and that the real estate industry had decided to defy the local ordinance. He noted that industry practice, investment and lack of general complaint had placed the Council in a position of reinforcing "bad behavior." The Council agreed the real estate industry should comply with every ordinance and it was suggested that the ordinance be provided to real estate companies to put them on notice.

Members Swenson and Bennett indicated they could not support increasing the size of real estate signs to ten square feet. Member Swenson called the question.

Ayes: Bennett, Brindle, Sprague, Swenson

Nays: Hovland

Calling the question carried.

Member Sprague withdrew the motion and Member Brindle withdrew the second. **Member Sprague made a motion, seconded by Member Brindle, to grant First Reading to Ordinance No. 2011-20, concerning real estate signs in the R-1 and R-2 zoning districts setting the maximum size of ten square feet of signage with a maximum lineal height of eight feet.**

Ayes: Brindle, Sprague, Hovland

Nays: Bennett, Swenson

Motion carried.

IX. CORRESPONDENCE AND PETITIONS – Mayor Hovland acknowledged the Council's receipt of various correspondence. The Council addressed the concerns expressed during Community Comment and directed the Engineering Department to conduct a traffic report to analyze the traffic speed on Normandale Road and West 66th Street. **Member Bennett made a motion, seconded by Mayor Hovland, directing staff to study the feasibility of sidewalks and crosswalks on Normandale Road and West 66th Street.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

X. MAYOR AND COUNCIL COMMENTS – Received

XI. MANAGER'S COMMENTS – Received

XI.A. 2012 COMMITMENT TO CITY SCHOOL PARTNERSHIP

Mr. Neal reported that he and Edina Public Schools Superintendent Rick Dressen had begun joint staff meetings to carry out the direction of the City Council and explore areas and opportunities for new partnerships. He described the targeted partnership goals and ongoing successful partnership actions.

XI.B. PRESENTATION OF CITIZEN LEAGUE FINDINGS AND SCHEDULING OF WORK SESSION DISCUSSED

Mr. Neal asked whether the Council supported scheduling an additional work session meeting to synthesize all of the budget information received to date including the five key findings of the citizen league. **Following discussion, the Council requested that summary findings be presented at the December 20, 2011, Council meeting. Staff would review the schedule and notify Members of available dates to schedule an additional budget work session.**

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:03 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, December 20, 2011.

James B. Hovland, Mayor

Video Copy of the December 6, 2011, meeting available.